UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,437	05/23/2001	Yoshio Nakao	826.1726	8890

21171   7590   08/21/2006

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EXAMINER
SERROU, ABDELALI

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>31 July 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>*1-12*</u>.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: As per claim 1, applicant argues that Beattie does not teach "recognizing a thematic hierarchy of the plurality of documents" (Remarks, page 6). The examiner disagrees and points out that "recognizing a thematic hierarchy of the plurality of documents" is disclosed by Fleischer (col. 4, lines 44-52 , wherein a natural language processor ranks words and phrases based on their relevance to the topic (subject matter) of the document).
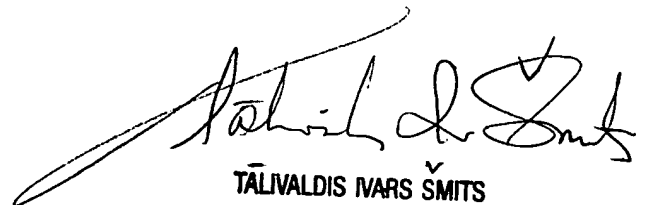
Applicant argues that the combination of the cited prior art does not disclose recognizing "a thematic hierarchy" of a set of documents by "detecting topics of various grading" (Remarks, page 7). The examiner disagrees and points out that Fleicher does disclose "a thematic hierarchy", as mentioned above, and "detecting topics of various grading" is disclosed by Beattie (col. 18, lines 59-63, wherein the session server 114 retrieves a size for each document). Noting that, it is well known in the art that the size or grade of a document is determined by the number of words or sentences within that document, Fleicher does suggest "detecting topics of various grading" for recognizing "a thematic hierarchy" (col. 4, lines 1-15, wherein a document sections, that correspond to chapters, paragraphs, and sentences (col. 3, lines 56-57), are ranked according to scores (col. 4, lines 13-14) that depend on the number of sections within a document (col. 4, lines 1-3).

Applicant argues that Fleicher does not suggest extracting a set of successive paragraphs containing various grading of topics to obtain "a segmentation of a document using similarity graded topics" (Remarks, page 7). The examiner disagrees and points out that claim 1, lines 6-7, does not recite extracting a set of successive paragraphs containing various grading of topics to obtain "a segmentation of a document using similarity graded topics". Claim 1 recites composing a thematic hierarchy, wherein each layer of the hierarchy expresses a segmentation of a document using similarity graded topics, which Fleicher does teach by segmenting a document (ranking sections within a document, col. 4, lines 1-30) using similarity graded topics (col. 4, lines 16-30, wherein Fleicher's system outputs ranked paragraphs based on the number of lines within that paragraph, upon which the size or grade of a paragraph is determined, and col. 4, lines 44-52 , wherein a natural language processor ranks words and phrases based on their relevancy to the topic (subject matter) of the document).

As per claims 2 and 8, applicant argues that eventhough, Mani teaches pinpointing similarities and differences between topics, calculating relevance score between the topics, is not obvious, because there is software, such as Microsoft Word, that compares documents without use of relevance scores (remarks, page 8). The examiner disagrees and points out that Mani's system is far beyond Microsoft Word feature that tracks only changes such as strikethrough and underlining within a document. Mani's system extracts content information and summarizes similarities and differences of documents such as multiple stories about a single event (Introduction, page 357). Furthermore, it is obvious that Mani calculates relevance score between topics, as shown in Fig. 1, wherein two documents are represented by two different graphs, each graph has its own node, and each node has a weight (a value), and the two different weights are compared, with reference to an inherent treshold value, to present the summary of similarities and differences.

As per claims 2-7, and 9-12, applicant has no further arguments beside the ones with reguard to claims 1, 2, and 8.

Therefore, the finality of the rejection stands valid, because the combination of the cited prior art reads on the set application claims and overcomes applicants arguments.

TALIVALDIS IVARS SMITS
PRIMARY EXAMINER